

# EXHIBIT E

**From:** Michael Shore  
**To:** Hatcher, Michael D.; Michael Shore; jlahad; Team-Purdue-ST; Halima Shukri Ndai  
**Cc:** STPurdueHKService; Max Ciccarelli; Thom Tarnay; Bettinger, Mike; Cohen, Justin S (DAL - X61211)  
**Subject:** RE: Trustees of Purdue v. ST: Prosecuting Attys Depo Notices  
**Date:** Tuesday, February 14, 2023 8:52:58 PM

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*[External email]*

Mike,

Before depositing Purdue's patent prosecution counsel, ST must identify the allegedly material prior art that was not disclosed to the USPTO. The only art disclosed by ST in its inequitable conduct allegations is an IEEE paper ST did not find material enough to cite in its IPR. Wolfspeed also failed to cite the IEEE article despite some of the authors being Wolfspeed employees.

Any inequitable conduct deposition of a prosecuting attorney should only come after an expert report from ST identifying **all** allegedly material prior art not disclosed by Purdue or its counsel. Purdue is not going to present patent prosecution counsel at this stage of the case to be ambushed with art ST has not disclosed in either its pleadings or an expert report. If ST insists on taking the deposition before expert reports on inequitable conduct, the **only** prior art that Purdue will allow ST to question prosecution counsel about is the IEEE paper currently identified in the pleadings.

Finally, Purdue will also not provide dates for third party depositions like these until the ST Rule 30(b)(6) depositions Purdue has been demanding for 9 months are completed. The order of these depositions is not negotiable. Purdue again demand dates for every ST Rule 30(b)(6) deposition topic, including the ERP system topics be taken first.

Best,

Michael

----- Original message -----

From: "Hatcher, Michael D." <mhatcher@sidley.com>

Date: 2/14/23 7:41 PM (GMT-06:00)

To: Michael Shore <mshore@shorefirm.com>, John Lahad <jlahad@SusmanGodfrey.com>, Team-Purdue-ST <Team-Purdue-ST@shorefirm.com>, Halima Shukri Ndai <hndai@shorefirm.com>

Cc: STPurdueHKService <STPurdueHKService@hklaw.com>, Max Ciccarelli <Max@CiccarelliLawFirm.com>, "Tarnay, Thom (EXTERNAL @TARNAYLAW.COM)" <ttarnay@tarnaylaw.com>, "Bettinger, Mike" <mbettinger@sidley.com>, "Cohen, Justin S (DAL - X61211)" <Justin.Cohen@hklaw.com>

Subject: Trustees of Purdue v. ST: Prosecuting Attys Depo Notices

**CAUTION: External Email!**

Counsel –

Attached for service are a 30b6 notice to Barnes & Thornburg and a 30b1 notice to Glen Kellett. Based on the representations to the Court when quashing ST's earlier subpoena to B&T, our understanding is that Trustees' counsel represents them and they have agreed to respond to discovery as if a party. Thus we believe notices, rather than subpoenas, should be sufficient for their depositions. Please confirm that understanding is correct. Also, please note that the date and location in each of these is indicated as to be agreed. We propose April 4 as the date and somewhere in Indianapolis as the location. Please that us know if that date works, or propose another in roughly that time frame. Once a date is set, we will secure a location in that city. We would appreciate a reply by the end of the week, at least on confirmation that the notice is sufficient to secure their appearance on agreed dates/locations.

Best,  
Mike

**MICHAEL D. HATCHER**

**SIDLEY AUSTIN LLP**  
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Dallas, TX 75201  
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[mhatcher@sidley.com](mailto:mhatcher@sidley.com)  
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**From:** [Michael Shore](#)  
**To:** [Hatcher, Michael D.](#); [Jlahad](#); [Team-Purdue-ST](#); [Halima Shukri Ndai](#)  
**Cc:** [STPurdueHKService](#); [Max Ciccarelli](#); [Thom Tarnay](#); [Bettinger, Mike](#); [Cohen, Justin S \(DAL - X61211\)](#)  
**Subject:** RE: Trustees of Purdue v. ST: Prosecuting Attys Depo Notices  
**Date:** Wednesday, February 15, 2023 9:42:02 AM  
**Attachments:** [image001.png](#)

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*[External email]*

Mike,

When would you like to meet and confer on quashing these notices unless withdrawn? Prosecution counsel will not be presented for deposition until after expert reports on inequitable conduct are provided. The time for amending the pleadings has passed, so the ONLY art ST can rely upon for inequitable conduct is the IEEE paper cited in the latest answer. Inequitable conduct must be plead with specificity under Rule 9. Please confirm that ST is not relying upon any additional art.

Also, third party depositions by ST are not going to be allowed until the ST corporate representative depositions are completed.

Best,

Michael

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**From:** Hatcher, Michael D. <mhatcher@sidley.com>  
**Sent:** Tuesday, February 14, 2023 7:42 PM  
**To:** Michael Shore <mshore@shorefirm.com>; John Lahad <jlahad@SusmanGodfrey.com>; Team-Purdue-ST <Team-Purdue-ST@shorefirm.com>; Halima Shukri Ndai <hndai@shorefirm.com>  
**Cc:** STPurdueHKService <STPurdueHKService@hklaw.com>; Max Ciccarelli <Max@CiccarelliLawFirm.com>; Tarnay, Thom (EXTERNAL @TARNAYLAW.COM) <ttarnay@tarnaylaw.com>; Bettinger, Mike <mbettinger@sidley.com>; Cohen, Justin S (DAL - X61211) <Justin.Cohen@hklaw.com>  
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Best,  
Mike

**MICHAEL D. HATCHER**

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\*\*\*\*\*  
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